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*Kevin G. Rooney*  
Kevin G. Rooney, Reg. No. 36,330

10/29/03  
Date

PATENT

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Applicant(s): David Lohr et al  
Application No.: 09/941,186  
Filed: August 28, 2001  
Group Art Unit: 1724  
Confirmation No.: 5985  
Examiner: Minh Chau Thi Pham  
For: Incubator Having Combined HEPA and VOC Filter  
Atty Docket No.: FSI-83

Cincinnati, Ohio

October 29, 2003

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed July 30, 2003 finally rejecting claims 1-10 and 13-17.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

- ☒ other than a small entity.  
☐ a small entity.

11/03/2003 BABRAHA1 00000035 09941186

01 FC:1402

330.00 OP

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

[ ] small entity \$165.00  
[X] other than a small entity \$330.00

Notice of Appeal fee due \$330.00

3. Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) \_\_\_\_\_ Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
_____	one month	\$ 110.00	\$ 55.00
_____	two months	\$ 410.00	\$205.00
_____	three months	\$ 930.00	\$465.00
_____	four months	\$1,450.00	\$725.00
_____	fifth month	\$1,970.00	\$985.00

Fee \$ \_\_\_\_\_

\_\_\_\_\_ Attached is a check in the amount of \$ \_\_\_\_\_ for the three month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_\_\_ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$ \_\_\_\_\_.

**OR**

(b) X Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

3. Total Fee Due

The total fee due is:

Notice of Appeal fee     \$330.00.  
Extension fee (if any)     \$\_\_\_\_\_.

Total Fee due \$330.00

4. Fee Payment

XX Attached is a check is the sum of \$330.00

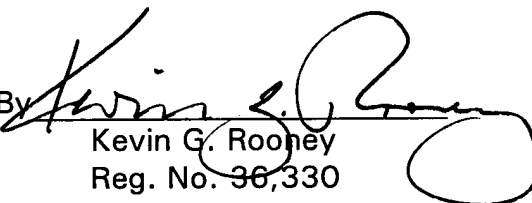
\_\_\_\_\_ The Commissioner is hereby authorized to charge the amount of  
\$\_\_\_\_\_ for the appeal fee to Deposit Account No. 23-3000.  
A duplicate of this Notice is attached.

5. Fee Deficiency

XX Charge any additional fee required or credit any overpayment to  
Deposit Account No. 23-3000. A duplicate of this Notice is  
attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By   
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